

SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 96.7

RECORDING OF CUSTODIAL INTERROGATIONS

ISSUED APRIL 2006

96.7.1 Policy

Electronic recording of the custodial interrogations of violent felons increases public trust in law enforcement and protects against unwarranted claims by suspects of coercion and other Constitutional violations.

The entire custody interrogation of a suspect (adult and juvenile) should be electronically recorded. The recording should include the recitation of *Miranda* rights. There is no requirement that suspects be informed they are being recorded.

It is recognized that it is not always feasible to record an in-custody suspect in violent-felony cases. If the interview is not recorded an explanation should be included in the report.

If digital recording technology is used, the original media source for storing the digital file will either be retained as evidence or the digital file will be transferred to permanent storage media such as a CD or DVD disk. If the digital recording device utilizes proprietary software, a copy of the originally captured file will be stored along with a converted file in a commonly used file format that can easily be heard or viewed. Once the originally captured interview file is permanently stored, the original media source can be erased and reused.